



United States Department of Transportation Dockets
Docket No. FAA-1999-6001
400 Seventh Street, S.W.
Room - Plaza 401
Washington, D.C. 20590

RE: Docket No. FAA-1999-6001 - 32
Notice No. FAA 99-14

OFFICE OF THE
CHIEF COUNSEL
RULES DOCKET
1999 SEP 28 A 10:52

Dear Administrator Garvey:

The following comments are in response to the Notice of Proposed Rulemaking published by the FAA on July 16, 1999 and titled "Protection of Voluntarily Submitted Information". We respectfully request you consider these comments in connection with the proposed rule.

The objective of the proposed rule is *"to furnish a way for people to provide information to the FAA for safety or security purposes, yet protect the information from disclosure to others"*¹ - presumably meaning others outside of the FAA. The proposed rule does not accomplish that objective for a number of reasons. First, the FAA will not protect voluntarily submitted information from disclosure to virtually all other government agencies. The FBI is an agency that the FAA specifically mentions as being excluded. The FAA has stated that these agencies are under the same obligation as the FAA to protect the information from disclosure but the proposed rule does not specify how other agencies may use the information. Ostensibly, the FAA could take voluntarily submitted information and refer it to other agencies for appropriate action, including criminal prosecution. The proposed rule does not address the circumstances under which the FAA could release information to other agencies and therefore any/all information could be released, without limitation. COMAIR could support release of information to other agencies provided there were controls that adequately defined the circumstances under which the information could be released. Limitations such as those described in AC 120-66 could be used as a basis for developing language to address this concern. Additionally, any other agency should be required to show compelling reason for needing the information and the subpoena procedures proposed in 193.5(f) should be applied before the FAA provided this information to other agencies.

¹ See preamble page 40473 - *General Discussion of the Proposal*.